

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ENVIROSAFE, INC., a corporation, et al.,

Plaintiffs,

-vs-

Case No. 1:04-CV-0226

Hon: AVERN COHN

GET SET, INC., a corporation, et al.,

Defendants.

_____ /

SCHEDULING ORDER NO. 2

I.

This is a commercial dispute. Plaintiffs claim damages for loss of business opportunity and unfair competition. Plaintiffs also claim the right to an injunction and attorney fees. Defendants counterclaim for damages for breach of contract and trademark infringement. The case will be tried to the Court and is estimated to take five (5) trial days (9:00 am to 4:00 pm, with a 1 hour lunch break).

Following the filing of witness and exhibit lists the Court held a final pretrial conference by telephone on May 15, 2006 looking to a scheduled trial date of May 30, 2006. At the conference it appeared appropriate to simplify the trial to adjourn it to a later date, to wit: **Monday, June 19, 2006**. In the interim each party shall within thirty (30) days file proposed findings of fact and conclusions of law in support of their respective claims in non-argumentative form.

II.

At trial

1. Each side shall lodge with the Court a book of exhibits correlated to the exhibit lists filed with the Court.
2. Each party shall be limited to fifteen (15) trial hours, exclusive of opening and closing statements. The Court will track the trial hours.

III.

Plaintiffs objects to the appearance of Jason Budd as an attorney on behalf of defendants. Plaintiff shall within forty-eight (48) hours formalize its objections. Defendants shall have forty-eight (48) hours to respond. The Court will hear the objections on the record by telephone on **Monday, May 22, 2006 at 3:30 p.m.**

IV.

Objections to this order shall be filed within twenty-four (24) hours.

SO ORDERED.

Dated: May 15, 2006

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 15, 2006, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager
(313) 234-5160